

EXHIBIT “C”

FILED 11/19/2015

14th CIRCUIT COURT

MUSKEGON COUNTY

2014-049481-CZ

CCR-MOT

STATE OF MICHIGAN

IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

KEVIN MARK WIGGER

Plaintiff,

Case No. 14-49481-CZ

V

Honorable Timothy G. Hicks

GEORGE ROBERT WIGGER

Defendant.

Kevin Mark Wigger #581201
Central Michigan Correctional Facility
320 N. Hubbard St.
Saint Louis, MI 48880

Siver & Associates, PLLC
James A. Siver (P33597)
Thomas D. Siver (P69751)
Attorneys for Defendants
1575 Forty-Fourth Street, SW
Grand Rapids, MI 49509
(616)261-5800

2015 NOV 19 P 4:37
NANCY A. WATERS
MUSKEGON COUNTY CLERK
FILED

MOTION FOR NEW TRIAL

NOW COMES, Plaintiff, Kevin Mark Wigger, in Propria Persona, and respectfully submits the following Motion For New Trial by stating the following:

1. Plaintiff request a new trial pursuant to MCR 2.611(A)(1)(f)(g).
2. Plaintiff has attached his Affidavit pursuant to MCR 2.611(D)(1). Attachment of supporting documents is impractical due to the number of documents that support his motion. (see Appendix A).
3. Plaintiff has discovered through issuance of subpoena to Fifth Third Securities, that the Defendant has made additional withdraws

homestead from the proceeds of a crime, they have violated MCL 750.174 which is a felony punishable by up to 10 years in prison.

10. Defendant's George and Alisa, in 2011 purchased property located at Whiskey Creek using Plaintiff's money.

11. Defendant's George and Alisa Wigger, after receiving a demand letter from Plaintiff, fraudulently sold that property to Mike Lorenze, a violation of UFTA statutory sections defining the elements of fraudulent transfers, MCL 566.34 (transfer with intent to defraud) and MCL 566.35 (transfer by debtor as fraud). The first is dubbed as "actual fraud," the second "constructive Fraud."

12. Mike and Georgia Lorenz are husband and wife and have also full and complete knowledge that George and Alisa Wigger had embezzled money from the Plaintiff, used those embezzled funds to purchase the Whiskey Creek property, and took part in the conspiracy to embezzle and are in possession of property that was bought with embezzled money. This property has a State equalized value of \$3,300 in 2014 and has a retail value of \$6,600. Mike and Georgia Lorenz along with their two adult children all are enjoying the fruits of their ill-gotten gain. George and Alisa along with their two children also continue to enjoy the use of this property as was testified by George at trial.

13. Mike and Georgia Lorenz have fraudulently concealed the existence of the claim in an attempt to evade investigation by not responding to Plaintiff's subpoena to testify at trial. They are in violation of MCL 600.2919a, MCL 600.5855.

14. Defendant's George and Alisa Wigger transferred this property

without receiving a reasonably equivalent value in exchange for the transfer and the transfer was made after George and Alisa had been threatened with suit.

15. Defendant George Wigger fraudulently concealed the additional withdraws from both the Court and the Plaintiff at Trial.

16. Defendant George Wigger falsely testified that he withdrew the \$7,500 gift from the Plaintiff's pension account, this money was withdrawn from the Plaintiff's IRA account in two subsequent withdraws in April and August of 2007.

17. Ada Young would not allow George, (Ada Youngs son) to withdraw this money from the Plaintiff's pension account and encouraged Defendant George Wigger to withdraw the funds from the Plaintiff's IRA account.

18. Ada Young converted those funds to her own use, violation of MCL 600.2919a.

19. Defendant George Wigger testified at trial that he had not been paid the money he was promised in the divorce agreement of Kevin and Ada Wigger/Young.

20. Pursuant to MCR 2.611(1)(g) there has been a mistake of fact by the Court.

21. From as far back as the letter George sent to the Plaintiff in 2012 it is clear that George had indeed been paid. When the Plaintiff had questioned the Defendant as to where his money went, had the Defendant not been paid, why did he not state as much in his letter.

22. Through out the entire process and in all of the Defendant's pleadings, never once did he mention this fact of not being paid

the \$15,000.

23. In Plaintiff's trial exhibit #27 (e-mail from George to his attorney) George fabricated the list of repairs he claimed he did along with \$13,500 he claimed he spent on the Plaintiff's prison account. These two things add up to nearly \$50,000 with NO mention of being owed the \$15,000.

24. Defendant never filed a cross claim or counter claim for the \$15,000.

25. The Plaintiff testified at trial that he had been told by George that he had been paid, the payment from his mother was in the form of assets that belonged to the Plaintiff. George sold those assets and recovered the money he was owed.

26. This honorable court should have made it's findings in reference to this matter, that should have been most favorable to the Plaintiff..the moving party.

27. The Judgment Of Divorce between Kevin and Ada is a contract, in this contract, Ada was required to list the property at 205 N. Third St. with a Realtor. Ada Young/Wigger agreed to pay the Defendant, George Wigger, once the property was sold. Ada Young excepted the obligation to pay George and this was in a contract signed by both parties.

28 Ada Young never listed the property for sale, had the property deeded to her and she continued to collect rent from that property for another 4 years.

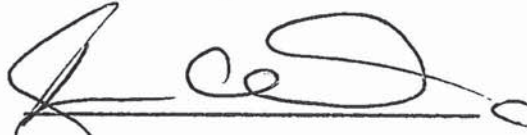
29. Ada and Jeff young are husband and wife, they were married in October of 2006, 45 days after the divorce was final between Ada and Kevin Wigger.

30. Ada and Jeff young are in a partnership, both had owned rental properties. Both have known about George's embezzling of the Plaintiff's money and should be considered as co-conspirators in this embezzlement.

WHEREFORE, Plaintiff request a new trial, and request this Honorable court grant all of Plaintiff's motions regarding Amendment of Complaint, Jionder of Parties, and Motion To Open Discovery.

Dated November 13, 2015

Respectfully submitted



Kevin Wigger

APPENDIX A

Date	Amount	Wire fee	Cost/Loss
April 2, 2007	\$5,500.00		(\$135.04)
August 10, 2007	\$2,000.00		
August 17, 2007	\$3,000.00		(\$53.40)
March 4, 2008	\$6,500.00	(\$15.00)	(\$719.29)
August 20, 2008	\$715.00	(\$15.00)	(\$155.63)
October 18, 2008	\$6,500.00	(\$15.00)	(\$3825.70)
April 9, 2009	\$3,000.00	(\$15.00)	(\$2949.17)
May 14, 2009	\$1,000.00	(\$15.00)	(\$851.32)
June 18, 2009	\$2,500.00	(\$15.00)	(\$1998.83)
July 27, 2009	\$3,000.00	(\$15.00)	(\$2,118.24)
November 16, 2009	\$3,500.00	(\$15.00)	(\$1,920.26)
November 20, 2009	\$3,500.00	(\$15.00)	(\$1,920.26)
February 22, 2010	\$4,500.00	(\$15.00)	(\$2,651.88)
March 30, 2010	\$3,000.00	(\$15.00)	(\$1,550.09)
August 12, 2010	\$2,985.00	(\$15.00)	(\$1,845.20)

Totals	\$51,200.00	(\$180.00)	(\$22,694.31)
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NEWLY FOUND2011 WITHDRAWALS

March 16, 2011	\$2,985.00	(\$15.00)	(\$1,093.61)
May 5, 2011	\$3,485.00	(\$15.00)	(\$1,068.05)
July 18, 2011	\$4,985.00	(\$15.00)	(\$1,643.72)
August 19, 2011	\$685.00	(\$15.00)	(\$312.93)
August 22, 2011	\$1,985.00	(\$15.00)	(\$891.39)

Totals For 2011	\$14,125.00	(\$75.00)	(\$5,009.70)
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2012 WITHDRAWALS

March 26, 2012	\$4,450.00	(\$15.00)	(\$1,388.14)
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2011/12 Totals	\$18,575.00	(\$90.00)	(\$6,397.84)
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Grand Total	\$69,775.00	(\$270.00)	(\$29,092.15)
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Combined total withdrawals + Wire Fees + Cost/Loss			(\$99,137.15)
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STATE OF MICHIGAN
IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

KEVIN MARK WIGGER

Plaintiff,

V

GEORGE ROBERT WIGGER

Defendant.

Case No. 14-49481-CZ

Honorable Timothy G. Hicks

Kevin Mark Wigger #581201
Central Michigan Correctional Facility
320 N. Hubbard St.
Saint Louis, MI 48880

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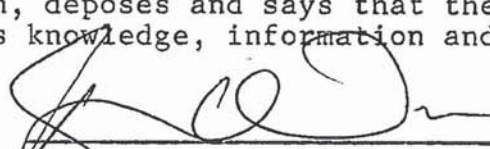
AFFIDAVIT OF KEVIN MARK WIGGER

STATE OF MICHIGAN)

)ss

COUNTY OF GRATIOT)

Kevin Mark Wigger, being duly sworn, deposes and says that the forgoing is true to the best of his knowledge, information and belief.


Kevin Mark Wigger #581201

In Pro Per

Subscribed and sworn to before
me on November 13 2015



MARCIA L. SORENSEN
NOTARY PUBLIC, STATE OF MI
COUNTY OF SAGINAW
MY COMMISSION EXPIRES OCT 22, 2018
ACTING IN COUNTY OF GRATIOT

2015 NOV 19 P 4:37
NANCY A. WATERS
MUSKEGON COUNTY CLERK
FILED

EXHIBIT “D”

FILED 11/19/2015
14th CIRCUIT COURT
MUSKEGON COUNTY2014-049481-CZ
CCR-MOTSTATE OF MICHIGAN
IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

KEVIN MARK WIGGER

Plaintiff,

V

Case No. 14-49481-CZ

Honorable Timothy G. Hicks

GEORGE ROBERT WIGGER

Defendant.

Kevin Mark Wigger #581201
Central Michigan Correctional Facility
320 N. Hubbard St.
Saint Louis, MI 48880

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(616)261-5800

2015 NOV 19 P 4:37

NANCY A. WATERS
MUSKEGON COUNTY CLERK
FILEDMOTION TO RE-OPEN DISCOVERY


NOW COMES, Plaintiff, Kevin Mark Wigger, in Propria Persona, and respectfully submits the following Motion To Re-Open Discovery by stating the following:

Due to the fact Plaintiff has requested a new trial, requested to amend his complaint and the necessary joinder of parties, Plaintiff does hereby request that Discovery in the above matter be re-opened. This case involves the breach of fiduciary duty, the purchase of a homestead with embezzled money and the transfer and conversion of property purchased with embezzled funds. The need for discovery is extensive to follow the money through the discovery process.

WHEREFORE Plaintiff request discovery be re-opened on all Defendant's.

Dated November 13, 2015

Respectfully submitted



Kevin Wigger

EXHIBIT “E”

FILED 11/19/2015
14th CIRCUIT CLERK
MUSKEGON COUNTY2014-049481-CZ
CCR-MOTSTATE OF MICHIGAN
IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

KEVIN MARK WIGGER

Plaintiff,

V

GEORGE ROBERT WIGGER

Defendant.

Case No. 14-49481-CZ

Honorable Timothy G. Hicks

Kevin Mark Wigger #581201
Central Michigan Correctional Facility
320 N. Hubbard St.
Saint Louis, MI 48880

Siver & Associates, PLLC
James A. Siver (P33597)
Thomas D. Siver (P69751)
Attorneys for Defendants
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Grand Rapids, MI 49509
(616)261-5800

2015 NOV 19 P 4:37

NANCY A. WATERS
MUSKEGON COUNTY CLERK
FILEDMOTION TO AMEND COMPLAINT

NOW COMES, Plaintiff, Kevin Mark Wigger, in Propia Persona, and respectfully submits the following Motion To Amend Complaint by stating the following:

1. Plaintiff, having discovered newly found evidence and parties to the above entitled action, does respectfully request leave of this Court to file Amended Complaint's on all listed parties referenced and for reasons stated in Plaintiff's Request for a New Trial.

Dated November 13, 2015

Respectfully submitted

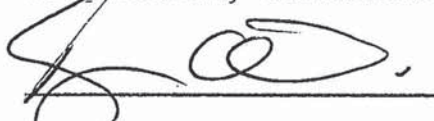

Kevin Wigger

EXHIBIT “F”

FILED 1/28/2016
14th CIRCUIT COURT
MUSKEGON COUNTY



2014-049481-CZ
CCR-MREC

STATE OF MICHIGAN
IN THE 14TH CIRCUIT COURT

KEVIN MARK WIGGER

Plaintiff,

V

GEORGE ROBERT WIGGER

Defendant.

Hon. Timothy G. Hicks

Case No. 14-049481-CZ

Kevin M. Wigger #581201
In Propria Persona
Central Mich. Corr. Fac.
320 Hubbard St.
Saint Louis, MI 48880

SIVER & ASSOCIATES, PLLC
Thomas D. Siver (P69751)
James A. Siver (P33597)
Attorney for Defendant
1575 Forty-Forth St., SW
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616-261-5800

PLAINTIFF'S EX PARTE MOTION FOR RECONSIDERATION

OF OPINION AND ORDER RE: MOTION TO QUASH ATTORNEY LIEN

AND SUBMISSION OF DOCUMENTS FOR EVIDENTIARY HEARING

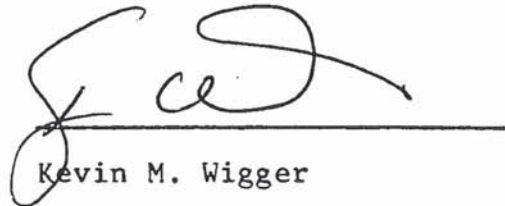
NOW COMES Plaintiff, Kevin M. Wigger, in Proria Persona, and for his Ex Parte Motion for Reconsideration of Opinion and Order Re: Motion To Quash Attorney Lien, states the following:

1. I never received a copy of Mr. Van Eck's response to my Motion to Quash.
2. Mr. Van Eck was untruthful in his response to my allegations to the Attorney Grievance Commission and may be so in his response to this Honorable Court.
3. Mr. Van Eck's negligence and incompetence prejudiced and jeopardized my case and Mr. Van Eck should not be allowed a lien on the judgment in the above entitled matter.
4. Mr. Van Eck has billed for services that were either never

performed or should have never been needed because of his negligence when Mr. Van Eck agreed to adjourn my ADR hearing that was scheduled for December 12, 2015, this action severely prejudice my rights.

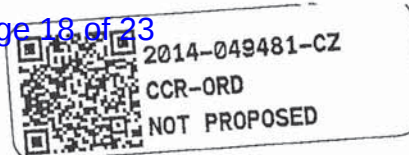
THEREFORE Plaintiff request this Honorable Court review all the correspondence before making a final decision in regards to allowing Mr. Van Eck's attorney lien.

Dated: January 26, 2016



Kevin M. Wigger

EXHIBIT “G”

FILED: 11/30/2015
14th CIRCUIT COURT
MUSKEGON COUNTY

STATE OF MICHIGAN
IN THE 14TH CIRCUIT COURT

KEVIN MARK WIGGER,

Plaintiff,

HON. TIMOTHY G. HICKS

v

File No. 14-49481-CZ

GEORGE ROBERT WIGGER

Defendant,

Kevin Mark Wigger, #581201
Pro Per
Central Michigan Correctional Facility
320 North Hubbard
St. Louis, MI 48880

SIVER & ASSOCIATES, PLLC
Thomas D. Siver (P69751)
James A. Siver (P33597)
Attorneys for Defendants
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Grand Rapids, MI 49509
616-261-5800

ORDER DENYING MOTIONS AND CANCELLING ORAL ARGUMENT

INTRODUCTION

Plaintiff-father¹ files various motions. Most of them are now "ripe" since the court has entered judgment in plaintiff's favor.

Overarching Considerations

There are several overarching considerations which should be briefly mentioned, even though most are recurrent themes from previous pleadings and court orders.

Kevin started this lawsuit with the assistance of both his sister and, later, an attorney. He subsequently discharged his attorney and litigated the case on his own.

His efforts to represent himself are most-assuredly complicated by his status as a prisoner. Despite this, he generally handled things fairly well. It should be noted that he does

¹ The court will continue its practice of using the parties' first names.

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HANCY A. WATERS
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MUSKEGON COUNTY CLERK

have financial resources which he could have used to hire a new attorney after he discharged his first one.

At this point, Kevin bears the responsibility for these choices. Many of the claims he now makes are simply requests for a "do-over" of the trial already conducted. And several of the others are requests for the court to wade into personal issues that are irrelevant to the legal ones. For example, paragraphs 29 and 30 of his motion for new trial address the speed with which his former wife remarried and the fact that she and her new husband are co-conspirators because they have known about George's embezzling of Kevin's money.

Specific Rulings

Specifically, the court rules as follows:

1. The court denies the motion for a new trial.
2. The court denies the motion for joinder of parties. The court essentially relies upon its analysis in the section, below, related to amending the complaint. The parties he seeks to join would fundamentally alter the current trajectory of **this** case. To the extent that Kevin has viable claims which were not presented in the first case, he may have other options available, but he should be mindful of principles of *res judicata* and collateral estoppel.
3. The court denied the motion to amend the complaint. The court can allow amendment of the complaint, even during or after a trial. However, the amended complaint, at that point, generally has to conform to the evidence. To the extent that Kevin has viable claims which were not presented in the first case, he may have other options available, subject, again, to principles *res judicata* and collateral estoppel.

In this case, Kevin seeks to graft an entirely different time frame into this lawsuit. It is simply too late for that. It would generate incredible additional confusion.

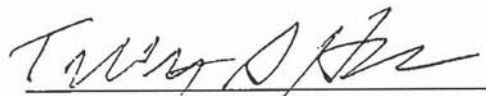
4. The court denies the motion to re-open discovery. This trial is over, and the case is in the process of being closed. To the extent that Kevin has viable claims which were not presented in the first case, he may have other options available, as noted above.
5. Given these rulings, the court declines to sign any of the proffered subpoenas.

This order does not, by itself, bar Kevin from filing a new lawsuit. However, neither is it a finding that he can properly do that. At this point, the court simply believes that its work is best confined to discrete chapters, each to be resolved in a series. For example, Kevin also has a second case, pending with the Michigan Department of Treasury, where it seeks to attach these funds.

The court is very familiar with these facts, and does not believe that oral argument is necessary to resolve any of these. It is also an administrative burden to the Michigan Department of Corrections and the taxpayers. For all these reasons, the court denies oral argument pursuant to MCR 2.119(E)(3). The court also has video/polycom facilities in its courtroom, but it simply does not see the need for any oral argument, through that system or in person. The hearing scheduled for December 14, 2015 at 11:00 a.m. is canceled.

IT IS SO ORDERED.

Date: November 30, 2015



Timothy G. Hicks, P35198
Circuit Judge

I hereby certify that on the 30th day of November, 2015, I personally mailed copies of this Order to the parties above named at their respective addresses, by ordinary mail.

CERTIFICATE OF MAILING



Susan K. Orrison, Circuit Court
Legal & Scheduling Secretary

EXHIBIT “H”

STATE OF MICHIGAN
IN THE 14TH CIRCUIT COURT

KEVIN MARK WIGGER,

Plaintiff,

HON. TIMOTHY G. HICKS

v

File No. 14-49481-CZ

GEORGE ROBERT WIGGER

Defendant,

Kevin Mark Wigger, #581201

Pro Per

Central Michigan Correctional Facility

320 North Hubbard

St. Louis, MI 48880

CALENDARED

SIVER & ASSOCIATES, PLLC

Thomas D. Siver (P69751)

James A. Siver (P33597)

Attorneys for Defendants

1575 Forty-Fourth St., SW

Grand Rapids, MI 49509

616-261-5800


**OPINION AND ORDER DENYING PLAINTIFF'S MOTION
FOR NEW TRIAL WITHOUT PREJUDICE**

The court **denies** Kevin's motion for a new trial without prejudice. MCR 2.611(B) states that "[a] motion for a new trial made under this rule . . . must be filed and served within 21 days after entry of the judgment." On July 16, this court entered its "Opinion and Order after Bench Trial" requesting certain information for the final judgment. Because the court has not yet entered its final judgment, Kevin's motion is premature.

Kevin's motion is **denied without prejudice**.

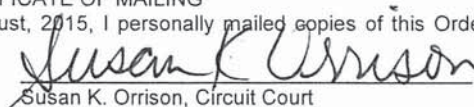
IT IS SO ORDERED.

Date: August 10, 2015


Timothy G. Hicks, P35198
Circuit Judge

2015 AUG 14 11:57
FILED
NANCY A. WATERS
JUSKEGON COUNTY CLERK

I hereby certify that on the 10th day of August, 2015, I personally mailed copies of this Order to the parties above named at their respective addresses, by ordinary mail.


Susan K. Orrison, Circuit Court
Legal & Scheduling Secretary